

EXHIBIT 4

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1 A. I was.
 2 Q. And is the current Buffalo Bayou and
 3 Tributaries project exploring the possibility of
 4 buying out that land or doing something to decrease
 5 or reduce or eliminate the risk these people face of
 6 having their homes flooded by that impounded runoff?
 7 A. It is.
 8 Q. And what is the estimated date of completion
 9 for that report?
 10 A. I'm guessing a year and a half, two years
 11 from now.
 12 Q. Mr. Thomas, do you know whether in the
 13 history of this project the Corps of Engineers has
 14 ever asked Congress for funding or authorization to
 15 buy all of the property in the Addicks and Barker
 16 reservoirs?
 17 A. I believe so.
 18 Q. You believe they have?
 19 A. I believe I know the answer.
 20 Q. What's the answer?
 21 A. As far as I know they have not.
 22 Q. They have never asked for that authorization,
 23 have they?
 24 A. As far as I know.
 25 Q. Okay. Mr. Thomas, what I'd like to do now is

1 Project Report; correct?
 2 A. Right.
 3 I'll add that it's also labeled
 4 "construction drafting section" at the bottom.
 5 Q. Is there any significance to a construction
 6 drafting section?
 7 A. There is another one that looks just like
 8 this that has a different title at the bottom.
 9 Q. Understood.
 10 MR. EASTERBY: Your Honor, we move to admit
 11 Joint Exhibit 5.
 12 MR. SHAPIRO: No objection.
 13 THE COURT: Admitted.
 14 (Joint Exhibit 5 was received in
 15 evidence.)
 16 Q. BY MR. EASTERBY: So if you turn to page 12
 17 of the Exhibit, paragraph 24 talks about what the
 18 project plan has for its principal features, and it
 19 lists nine different elements; correct?
 20 A. Right.
 21 Q. And of those nine, how many were actually
 22 built?
 23 A. Three.
 24 Q. Which are those?
 25 A. The Addicks dam and reservoir, the Barker dam

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1 we've talked about Harvey. I would like to go back
 2 to the 1940s period to when this project was created;
 3 all right?
 4 When I deposed you, I recall you had
 5 prepared a word document that had some screen shots
 6 and things on it. It talked about the history of the
 7 dams and these projects. Do you recall that?
 8 A. Yes, sir.
 9 Q. And I say that because I'm trying to save
 10 some time, candidly, and not have to mark too many
 11 exhibits, but you're familiar with the original
 12 project plan for this federal project; right?
 13 A. Right.
 14 Q. Okay. So back in the '40s, the overall
 15 project had many elements besides just the Addicks
 16 and Barker reservoirs; correct?
 17 A. Correct.
 18 Q. You know what? I fear I have to mark these
 19 anyway to make my record.
 20 So Mr. Thomas, I'd like to show you
 21 what's been marked for identification as Upstream 70,
 22 and I have to believe this is a Joint exhibit as
 23 well; 5, Joint Exhibit 5.
 24 Okay. Mr. Thomas, Joint Exhibit 5 is a
 25 document dated June 1st, 1940, entitled Definite

1 and reservoir, and the bypass channel downstream.
 2 Q. So the twin reservoirs, which are item E, are
 3 one of the nine; correct?
 4 A. That's a different plan.
 5 Q. So that's one, and then the bypass channel,
 6 which one is that, Mr. Thomas?
 7 A. I think that's F.
 8 Q. F?
 9 A. I think. I think that's right.
 10 Q. I see.
 11 And the idea was that there would be
 12 channel rectification on Buffalo Bayou for those
 13 first 7-1/2 miles, and then there would have been a
 14 south canal that would pick up and divert all those
 15 flows into the ship channel; right?
 16 A. I think it went to the bay, but right.
 17 Q. The bay.
 18 And that south canal was supposed to
 19 have capacity of 18 to 20,000 cubic feet per second;
 20 right?
 21 A. I forget the number, but sufficient to carry
 22 all the surcharge releases.
 23 Q. But the south canal was not built; is that
 24 right?
 25 A. That's right.

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